

KENTUCKY BOARD OF EDUCATION

BOARD NOTES

Volume 11, No. 4 Report of the August 6-7, 2003, Regular Meeting

STATE BOARD PROVIDES DIRECTION FOR MEETING NCLB REQUIREMENTS

At its August 6-7, 2003 meeting, the Kentucky Board of Education had in-depth discussions regarding Kentucky's compliance with the *No Child Left Behind* (NCLB) *Act of 2001*. On these issues, the following actions were taken by the Board:

SUMMARY OF THE KENTUCKY BOARD OF EDUCATION'S (KBE) DECISIONS ON NO CHILD LEFT BEHIND (NCLB) ACT ISSUES FROM THE AUGUST 7, 2003 MEETING

Actions Identifying Kentucky's Approach to Compliance for Selected NCLB Components

- **Federal Accountability Requirements using CATS data** - Adopted a plan to use CATS data to compute federal annual Adequate Yearly Progress (AYP) for schools and districts based on NCLB criteria in reading and mathematics, in addition to holding schools accountable every two years for growth expectations as reflected in school growth charts. There will continue to be only one testing system, CATS, for Kentucky students.
- **Reading and Mathematics Assessments, Grades 3-8** - Confirmed the Kentucky Board of Education's previous decision to add augmented norm referenced tests in reading at grades 5 and 8 and in mathematics at grades 4 and 7, and augment the norm referenced tests currently administered at the end of Primary and grade 6 with multiple-choice and open-response items developed from Kentucky's Core Content to meet NCLB requirements of annual testing in reading and mathematics for grades 3-8.
- **Adequate Yearly Progress (AYP)** - Adopted the three components for making AYP: (a) meeting annual measurable objectives in both reading and mathematics, (b) showing progress on the academic index at the elementary and middle school accountability levels or demonstrated progress toward the KBE goal of a graduation rate of 100% by 2014 at the high school accountability level and (c)

having a participation rate for the school as a whole and for each of its subpopulations of sufficient size of at least 95%.

- **Index Calculations** - Adopted a motion to define proficient for NCLB to mean the same as proficient as applied in CATS. The Board also affirmed that the “n” count for determining the size of subpopulations will remain at 10 per grade and 30 per school, as previously approved by the Board.
- **Method of Determining Annual Measurable Objective in Reading and Mathematics for Federal AYP**- Adopted an approach setting federal AYP goals for reading and mathematics through 2014 at the elementary, middle and high school levels, which will apply to the school and its subpopulations. The goals for each year in reading and mathematics at each of the three levels are reflected in the chart below. Notice that the goal at each level and for each subject area is the same for the baseline (2002), 2003 and 2004, the same for 2005, 2006 and 2007 and then goes to equal intervals of improvement thereafter. These plateaus in the early years will allow schools to adjust to the requirements of NCLB without immediately expecting annual increases.

Proficient	Elementary		Middle		High	
	Reading	Math	Reading	Math	Reading	Math
Baseline (2002)	47.50	22.34	45.59	15.96	19.15	19.05
2003	47.50	22.34	45.59	15.96	19.15	19.05
2004	47.50	22.34	45.59	15.96	19.15	19.05
2005	54.06	32.05	52.39	26.47	29.26	29.17
2006	54.06	32.05	52.39	26.47	29.26	29.17
2007	54.06	32.05	52.39	26.47	29.26	29.17
2008	60.63	41.76	59.19	36.97	39.36	39.29
2009	67.19	51.46	65.99	47.48	49.47	49.41
2010	73.75	61.17	72.80	57.98	59.58	59.53
2011	80.31	70.88	79.60	68.49	69.68	69.64
2012	86.88	80.59	86.40	78.99	79.79	79.76
2013	93.44	90.29	93.20	89.50	89.89	89.88
2014	100.00	100.00	100.00	100.00	100.00	100.00

- **Confidence Intervals** - Adopted the following proposal: “A school shall be considered to have met its annual measurable objective in reading and mathematics if: (a) the percent of students scoring proficient or above in a school or district meets or exceeds the annual measurable objective in reading or mathematics, or (b) the annual measurable objective falls within the 99% confidence interval placed around the school's or district's percent of students scoring proficient and above.”
- **District Accountability** - Adopted a motion that the method of calculation for district accountability be consistent with the method for calculating school accountability.

- **National Assessment of Educational Progress (NAEP) Participation -** Adopted a motion requiring NAEP participation by schools. (This is already required of states and districts receiving Title I funds.)
- **Reporting Timelines -** Adopted a motion indicating that the Kentucky Board of Education intends to explore solutions to meeting the federal reporting timelines required by NCLB with its advisory groups and others for implementation in 2004. NCLB requires test scores to be provided to schools before the beginning of the next school year so that federal AYP decisions can be rendered at that time.

Actions Deferred until Agreement on Approach can be Determined

- **Full Academic Year -** Deferred action on defining the length of a full academic year to give time for advisory groups and others to review and provide input to the Kentucky Board of Education. The definition for full academic year will determine which students are included in calculations for federal accountability purposes. For this year the Board has agreement from the United States Department of Education to use Kentucky's current definition during the transition to implementing NCLB requirements.

Actions Indicating Kentucky's Intent to Comply with NCLB Requirements as Specified by the Federal Law

- **Inclusion of Students with Limited English Proficiency (LEP) -** Agreed to comply with NCLB relative to LEP students in administering the CATS test to any student who has attended a school(s) in a district and is enrolled on the first day of the testing window. However, the student's test results will only be part of calculations to determine if the school has met federal AYP if the student has been in the school or schools within the district for a full academic year, with the school being held accountable if the student has attended only one school and the district being held accountable if the student has attended multiple schools within the district. (Note: As explained above, action on defining the length of a full academic year was deferred until further input can be gathered. The actual definition will determine which students are included in calculations for federal accountability purposes.)
- **English Language Proficiency Exam -** Agreed to comply with NCLB relative to administering an English Language Proficiency Exam to any student whose primary language is not English. The results of the exam must be used to determine the individual instructional plan for the student.
- **Progress of LEP Students Learning English and Meeting State Standards -** Agreed to monitor and report the performance of LEP students on the English Language Proficiency Exam and CATS to the United States Department of Education.
- **Safe Harbor -** Agreed to provide a safety net provision for schools in meeting federal AYP. If a Title I school does not meet the reading or mathematics requirement for meeting AYP, the school shall be considered to have met AYP if within the school or subpopulation(s) that did not meet the federal requirements, the percent of students scoring below proficient is reduced by 10% and the students in the same subpopulation(s) demonstrate improvement on the academic

index at the elementary and middle school levels and the graduation rate at the high school level.

- **Schools in Improvement** - Agreed that federal accountability consequences for not meeting AYP will be determined annually. However, Kentucky accountability consequences will continue to be based on the accountability index every two years.
- **School Choice, Supplemental Services, Corrective Action, Alternative Governance Plan and Alternative Governance** - Agreed that these consequences will be invoked as specified by NCLB for not meeting federal AYP.
- **Data Review regarding identification or consequences** - Agreed that before applying NCLB required school-level sanctions for not meeting federal AYP, the district must provide schools the opportunity to review all data, and that not later than 30 days after the district provides the schools with the opportunity to review the data, the district shall make public the final determination on the status of the school relative to making federal AYP.
- **Starting Points for Determining AYP** - Agreed to establish baselines for determining federal AYP using Spring 2002 CATS data in reading and mathematics. The Kentucky accountability dimension for CATS, however, will continue to use baseline data from Spring 1999 and Spring 2000.
- **Subpopulations** - Agreed that the subpopulation requirements within NCLB will be applied to the federal AYP decisions.
- **Graduation Rates** - Agreed to include graduation rate at the high school level as part of the calculation for meeting federal AYP. For the Kentucky dimension, dropout rate will continue to be a data element for middle schools and graduation rate will begin in 2004 to be used at the high school level for the Kentucky dimension.
- **School Accountability Rosters** - Agreed to establish an accountability roster of all students who have been in the school/district/state for a full academic year for purposes of identifying those students who will count for federal AYP. (Note: As explained above, action on defining the length of a full academic year was deferred until further input can be gathered. The actual definition will determine which students are included in calculations for federal accountability purposes.)

The decisions cited above will provide direction for NCLB compliance during 2003-2004 and ensure access to federal funds for schools and districts. However, draft regulations incorporating these decisions into regulatory language must now come back to the state board for review in October, with final approval in December.

For more information on the Board's actions on NCLB compliance, contact Mary Ann Miller at (502) 564-3141 (email: mmiller@kde.state.ky.us) or Kevin Noland at (502) 564-4474 (email: knoland@kde.state.ky.us).

STATE BOARD DISCUSSES FUNDING PRIORITIES FOR SHAPING EDUCATION BUDGET

As part of its August meeting, the Kentucky Board of Education reviewed and discussed options for education funding, including recommendations from the two funding adequacy studies recently completed by Drs. Larry Picus and Allan Odden. The Board asked Department staff to come back to its October meeting with a draft budget for review that focuses on the following priorities:

- SEEK increase
- Full funding of preschool
- All-day kindergarten
- Future funding for textbooks
- Education technology at the \$20 million level
- Rewards at the \$10 million level and pursuit of better ways to distribute reward dollars
- Instructional facilitators
- A weight for LEP students through SEEK
- Four-year-old LEP students included in the preschool program

The Board will examine the draft budget in October and provide direction to Department staff on the contents of the budget document that will be submitted to the Governor's Office of Policy and Management for consideration in the next legislative session.

For more information on the Board's funding priorities, contact Mary Ann Miller at (502) 564-3141 or via email at mmiller@kde.state.ky.us.

FLOYD COUNTY'S STATUS CHANGED FROM STATE-MANAGED TO STATE-ASSISTED

Due to action by the Kentucky Board of Education, Floyd County School District will no longer be classified as a state-managed district. Floyd County has been under state management since 1998. The Kentucky Board of Education agreed to change the district's status to state-assisted.

The Department of Education will still have oversight responsibilities in the district and state manager Glen Hendrix will continue to assist the district as a "state assistance coordinator". This change of status for the district will, however, remove the veto power of Commissioner Gene Wilhoit over decisions of the Floyd County Board of Education.

The Kentucky Board of Education agreed that loosening controls acknowledges incremental improvements and encourages continued improvements. The state-assisted designation applies until June 30, 2004, with a report required to the Board by the Commissioner of Education on the status of improvement efforts in the Floyd County District prior to the end of the period of the state-assisted designation.

For more information on Floyd County's state-assisted status, contact Kyna Koch at (502) 564-3930 or via email at kkoch@kde.state.ky.us.

JOSEPH W. KELLY AWARD PRESENTED

The annual Joseph W. Kelly Award was presented by the Kentucky Board of Education to Representative Jimmy Higdon of Lebanon on August 6. The award was created in honor of Joseph W. Kelly, a respected businessman and chair of the Kentucky Board of Education from 1989-1998. It is given to a businessperson who offers outstanding leadership and service toward promoting school improvement and equitable educational opportunities for all Kentucky children.

Higdon has been active in the Marion County School District, raising funds, developing classroom activities and helping revamp high school athletic facilities. He also created a high school entrepreneurial class and helped students set up a retail grocery at school.

For more information on the Joseph W. Kelly Award, contact Mary Ann Miller at (502) 564-3141 or via email at mmiller@kde.state.ky.us.

OTHER ITEMS APPROVED BY THE BOARD IN AUGUST WERE:

- Minutes from the May 14-15, 2003, annual retreat and June 4-5, 2003, regular meeting
- NCLB English Language Proficiency Standards, Baseline Data and Annual Measurable Achievement Objectives
- Kentucky School for the Blind Advisory Appointments of Bess Douthitt and Thomas Grinter
- 2002-2003 Local district tax rates levied: Leslie County
- Local district facility plans for: Ballard, Barren, Garrard, Ohio and Simpson Counties and Bardstown and Russellville Independents
- Local district facility plan amendments for: Butler, Clay, Muhlenberg and Wayne Counties
- Proposed resolution to eliminate the reduced price category of meals from the Kentucky School Food Service Association
- **Denial** of the Performance Judgment Appeal from Burgin Independent
- Attendance of Dorie Combs and Paul Whalen at the National Association of State Boards of Education (NASBE) annual conference in October
- Appointment of Paul Whalen as the voting delegate and Dorie Combs as alternate for the NASBE annual conference
- Hilma Prather's participation in and travel for the November Education Commission of the States meeting
- Appointment of Dorie Combs to the KSD Facilities Planning Committee and Gail Henson to the KSB Facilities Planning Committee
- KETS FY04 Unmet Need for LEAs
- KETS Implementation Plan

OTHER ITEMS DISCUSSED IN AUGUST WITH NO ACTION TAKEN WERE:

- KDE Employment Report
- Calendar of Agenda Items for the Assessment and Accountability Committee
- History, background, facilities, budget and current status of KSB and KSD and purpose of the KSB/KSD Committee
- Calendar of Agenda Items for KSB/KSD Committee
- Implementation of KETS in Kentucky schools
- Status Report on GEAR-UP Kentucky
- Occupational Skill Standards Implementation
- Reading First Update
- Calendar of Agenda Items for Curriculum Committee
- Repeal of 704 KAR 7:060, Missing Children's Program
- Covington update
- Follow-up on Title IX deficiencies for schools audited during 2002-2003
- Calendar of Agenda Items for Management Committee
- National Assessment of Educational Progress 2002 Reading and Writing Release
- Proposed Framework for a Research Agenda for Agency Policy Decision Making
- 2004 KBE/KDE Legislative Agenda

KBE MEETING DATES FOR 2003

<u>2003</u>	<u>Type of Meeting</u>	<u>Location</u>
October 8-9	Regular meeting	Frankfort
December 10-11	Regular meeting	Frankfort

For more information on the schedule contact Mary Ann Miller at 502-564-3141 (email mmiller@kde.state.ky.us) or Susan Palmer at 502-564-3141 (email spalmer@kde.state.ky.us).

The actions described above were taken in open session of the Kentucky Board of Education at the August 6-7, 2003, regular meeting conducted in the State Board Room, Capital Plaza Tower, 1st Floor, Frankfort, Kentucky. This information is provided in summary form, and an official record of the meeting is available on tape in the permanent records of the Kentucky Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601. These records are open for inspection Monday through Friday, 8:00 a.m. - 4:30 p.m.

For additional information about the Kentucky Board of Education meetings, agendas, minutes or special accommodations needed for attending meetings, contact Mary Ann Miller, Policy Coordinator at (502) 564-3141.

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